

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1660 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHIMANBHAI NANJIBHAI KANSAGAR

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

Mr. ST Mehta, Addl. PP for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/02/97

ORAL JUDGEMENT

Rule returnable today. Learned Addl. Public Prosecutor Mr. S. T. Mehta appears and waives service of rule on behalf of the State. The petitioner is the husband whose wife has been murdered on 2nd September, 1996. Body was found some time around 11 o'clock in the night and the complaint in this regard has been lodged on 3.9.1996. It is the grievance of the petitioner that

though murder has been committed some five months ago, the police has been sluggish in their investigation and has not been able to solve the offence. He, therefore, has prayed that the investigation be transferred to an independent agency like CBI or CID.

2. Learned Addl. PP Mr. Mehta has submitted that one Shri RC Sharma, Police Sub Inspector, Chalala Police Station has been investigating into the matter. He has done all the efforts which he could and has reason to believe that the offence has been committed by certain outsiders or some gang and has not been committed by any of the local people. He had, therefore, submitted Report to the Magistrate on 18th November, 1996 and an order granting "A" Summary has been made on 26th November, 1996. Even after that, investigation has been proceeded further and assistance has been sought from the Modus Operandi Bureau. However, such assistance has not been furnished as yet. In the circumstances, it cannot be said that the police has not been investigating into the matter. However, certainly, the police appears to be slow in conducting the investigation. It would, therefore, be desirable that the respondent No. 2 District Superintendent of Police shall look into the matter and all the assistance that may be required by the Investigating Officer shall be furnished. If need be, the investigation may be transferred to some other officer superior in rank than the Investigating Officer. The respondent No. 2 District Superintendent of Police shall do needful in the matter within a period of one month from today.

In view of the above directions, Mr. Prajapati, learned advocate for the petitioner seeks leave to withdraw this petition. Leave is granted. Petition stands dismissed as withdrawn. Rule is discharged.

*Vyas